IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10083 of 2005

Between:

U.Ramachandran, S/o.K.K.V.Nair,
R/o.M.C.379, Malakpet Colony, Hyderabad.

..... PETITIONER

AND

1 The Govt. of A.P. rep.by its Secretary, General Administration Department, Secretariat Buildings Hyderabad.
2 The Estate officer, Hyderabad and Secunderabad, Khairatabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondents in ordering eviction of the petitioner without considering representation, dated
27-3-2005 as illegal and consequently direct the respondents to grant time to the petitioner to vacate the quarter till July 2005 on payment of standard rent.

Counsel for the Petitioner: MR.N.SUBBA RAO

Counsel for the Respondents: GP FOR GENERAL ADMINISTRATION

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in directing the petitioner to vacate the Quarter No.M.C.379 of Malakpet Colony, Hyderabad, as arbitrary and illegal.

It is not in dispute that the petitioner has retired from Government service on 31-12-2004. He is in occupation of Quarter No.M.C.379 of Malakpet Colony, Hyderabad, which was allotted in the year 1971 during his service. It is stated that after his retirement he is in search of suitable accommodation and made a representation dated 27-03-2005 requesting the respondents to permit him to retain the quarter till 30-09-2005. The grievance of the petitioner is that without considering his representation dated
27-03-2005, the second respondent has passed an order dated
31-03-2005 under Section 5(1) of the A.P. Public Premises (Eviction of Unauthorized Occupants) Act, 1968, directing him to vacate the premises in question within thirty days from the date of publication of the said order.

The petitioner states that since he could not secure a suitable house, he is not in a position to vacate the quarter in his occupation and the respondents are not justified in not considering his request to retain the quarter for some more time and compelling him to vacate the premises.

Though in the representation dated 27-03-2005, the petitioner sought time till 30-09-2005, in this writ petition he undertakes to vacate the quarter in his occupation by 31-07-2005.

Having heard the learned counsel for the petitioner, the learned Government Pleader for General Administration appearing for the respondents and having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition granting time to the petitioner to vacate the Quarter MC 379 of Malakpet Colony, Hyderabad, in his occupation by
31-07-2005 on payment of the standard rent.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 28-04-2005

LSK

To

1 The Secretary, General Administration Department,
Secretariat Buildings Hyderabad.
2 The Estate officer, Hyderabad and Secunderabad, Khairatabad, Hyderabad.

3 Two C.Cs. to the G.P. for General Administration, High Court buildings, Hyderabad. (OUT)

4 Two C.D. copies.